

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WHALEHAVEN CAPITAL FUND, LTD. and ALPHA
CAPITAL ANSTALT

Plaintiffs,

-v-

RADIENT PHARMACEUTICALS CORPORATION and
JOHN DOES 1-10,

Defendants.

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No. 10 Civ. 9490 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

Plaintiffs bring this action seeking, among other things, a preliminary injunction and preliminary declaratory relief. Specifically, Plaintiffs primarily contend Defendants are in breach of warrants and a securities purchase agreement between the parties.

Before the Court is Plaintiffs' application for an Order To Show Cause as to why a preliminary injunction and preliminary declaratory relief should not be issued. The request for an Order To Show Cause is granted, and IT IS HEREBY ORDERED THAT Defendants shall appear on January 4, 2011 at 3:30 p.m. in Courtroom 21C of the United States Courthouse, 500 Pearl Street, New York, New York, to show cause as to why a preliminary injunction and preliminary declaratory relief should not be issued. IT IS FURTHER ORDERED THAT Plaintiffs shall serve Defendants with a copy of this Order and copies of the summons and complaint, as well as Plaintiffs' proposed order, memorandum of law, and supporting affidavits by the close of business on December 23, 2010. IT IS FURTHER ORDERED THAT, by December 30, 2010, Defendants shall submit a response to Plaintiffs' request. Plaintiffs' reply, if any, shall be submitted by January 3, 2011.

SO ORDERED.

Dated: December 21, 2010
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE